



HUXLEY
— HEART OF THE PRAIRIE —

ZONING BOARD OF ADJUSTMENT MEETING NOTICE

**WEDNESDAY April 29, 2020
1:00 P.M.**

AGENDA

Due to Covid-19 protocols ZBOA will meet via Conference Call.

Public Meeting participation is via phone only by dialing 513-386-0000 Access Code:399595#

Public can also provide comments directly to akaplan@huxleyiowa.org Any comments received before the time of the meeting will be made a part of the public meeting

- 1. CALL TO ORDER**
- 2. APPROVE AGENDA AS PRESENTED AND/OR AMENDED**
- 3. APPROVE MINUTES FROM JULY 17, 2019 MEETING**
- 4. BUSINESS ITEMS**
 - a. Request from Jonathan Philgreen for a variance from a 30' front yard setback to a 15' front yard setback for new construction of a single-family home at Lot 21 Ashwood Estates (R-1 Zoning District)**
 - b. Request from Scott Wilson for a variance from a 6' fence height limitation to 8' height limitation at 107 Lynwood Drive (R-1 Zoning District)**
- 5. ADJOURNMENT**



Zoning Board of Adjustment Minutes

Wednesday July 17, 2019
City Council Chambers—Huxley City Hall
5:30 P.M.

1.0) CALL TO ORDER AND ROLL CALL:

Chairman Paul Wilken called the ZBA meeting to order at 5:37 P.M. ZBA members present:

Jeff Begg	<input checked="" type="checkbox"/>	Allison Easter	<input checked="" type="checkbox"/>
Paul Wilken	<input checked="" type="checkbox"/>	Roger Wheeler	<input checked="" type="checkbox"/>
Tim Wilson	<input checked="" type="checkbox"/>		

Guests present: Yvette Hansen, Jozeph Hansen, Dennis Heinen, Rob Soat, Jamison Heinen

Staff present: John Haldeman- Zoning Administrator
Amy Kaplan-Zoning Clerk

Consultants Present: Jim Nervig-Zoning Attorney

2.0) MOTION TO APPROVE THE MINUTES FROM THE FOLLOWING MEETING: June 4, 2019- Motion by Wheeler and seconded by Begg to approve minutes. Roll was taken. 5 AYE. 0 NAY. MCU.

3.0) PUBLIC HEARING- The Zoning Board of Adjustment held a public hearing to discuss and act on a request for a special permit under section 165.43(4)(K) of the Zoning Ordinances for property located at 212 West Railway Huxley, Iowa.

The Chairman opened the hearing at 5:39 P.M.

Yvette Hansen from 212 West Railway presented her reasons for asking for a special permit. Yvette indicated her intentions of building an attached handicap garage as her husband is in a wheelchair and expressed that she is unable to meet the thirty-foot front yard setback. She requested a special permit for a fifteen-foot front yard setback. The code allows for the special exception of up to ½ of the allowable setback, therefore, a fifteen-foot front yard setback is allowable.

Board members had questions and discussion took place. Yvette indicated that the wheelchair cannot go out into the elements, and therefore if it is raining or snowing, her husband would not be able to leave. The garage would allow for her husband to get into the vehicle without going out into the elements. Denny Heinen indicated that the garage will set back further than their current front stoop. The front yard setback in front of the garage will be about 27 feet.

At 5:45 P.M, there was no further discussion. Motion by Wilson to close the hearing, seconded by Easter. Motion carried 5-0.

- 4.0) **MOTION TO APPROVE SPECIAL PERMIT**-Motion by Wilson to approve and issue a special permit numbered 2019-07-17 for fifteen-feet off the required thirty-foot front yard setback for local address at 212 West Railway. Seconded by Wheeler. Wilson, Begg, Wheeler, Wilken and Easter all voted yes. Motion carried 5-0.
- 5.0) **MISCELLANEOUS BUSINESS**-None
- 6.0) **ADJOURNMENT** -Motion by Begg to adjourn meeting at 5:47 P.M., seconded by Wilson. 5 AYE. 0 NAY. MCU.

Amy Kaplan, Zoning Clerk

Paul Wilken, Chairman

Date of Approval

ZONING BOARD OF ADJUSTMENT COMMUNICATION

AGENDA HEADING:

Request from Jonathan Philgreen for a variance from a 30' front yard setback to a 15' setback for new construction of a single-family home at Lot 21 Ashwood Estates (R-1 Zoning District)

SUBMITTED BY:

Rita Conner M.S., M.C.R.P., City Administrator

SYNOPSIS:

Jonathan Philgreen has submitted application for a variance of the required 30' front yard setback in the R-1 zoning district for Lot 21 Ashwood Estates.

Additional information is below and attached. The applicant has included information for Section 165.43.4 in the materials submitted for the variance request, but staff is not interpreting this request as a special permit exception, which is what Section 165.43.4 references.

CITY OF HUXLEY CODE SECTION: 165.20

ADDITIONAL INFORMATION:

- Lot 21 is an undeveloped located between 509 and 515 Oak Blvd in the Ashwood Estates Subdivision.
- Lot 21 includes two sizeable City of Huxley utility easements for storm sewer and sanitary sewer, which the applicant and design team have tried to work with in the proposed layout for the home's location.
- Staying out of the utility easements has meant moving the house forward into the front yard setback, which has prompted the variance request.

RECOMMENDATION: APPROVAL WITH CONDITIONS

- City utility easements must run with the property and be identified by legal description and plat drawings in property records.
- City access for repair, maintenance or replacement of the utilities must remain available in perpetuity. Any future fences to be installed they will need gates on the front and rear of the easements that are sized to allow vehicular traffic and equipment to maintain, replace or repair the piping, the area intake and the outfall of the storm sewer by the creek.
- Area intake must be protected and drainage from all directions maintained to the existing elevations.
- Future trail may be proposed along Oak Blvd frontage according to the draft Trail and Sidewalk Infill Master Plan that will be reviewed by City Council this spring.

For more information on this and other agenda items, please call 515-597-2561 or visit the City Administration Building at 515 N. Main Ave.



HUXLEY

— HEART OF THE PRAIRIE —

Appeal to the Board of Adjustments

Date Submitted: April 9, 2020 Board Review Date: _____
Property Owner: Jonathan & Amanda Philgreen
Property Address: Lot has not been addressed
Property Zoning: R-1 - Single Family Residential District
Legal Description: Lot 21, Ashwood Estates Subdivision, Huxley, Story County, Iowa

Please provide a detailed explanation of work to be done and variance needed:
Reference the letter attached to this application.

The fee for variance is nonrefundable. All neighboring property owners will be notified of this variance request plus a notice will be published in a local newspaper. Please include a fully dimensional, to scale, site plan.

Signed: [Signature] Date: 4-26-2020

Appeal to Zoning Board of Adjustments

Primary: \$100

Secondary: \$50

Special Use Permits - \$100

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(office use only)

Date Hearing Advertised: _____

Decision of the Board:

April 9, 2020

Zoning Board of Adjustment

City of Huxley
515 E. Main Street
Huxley, Iowa 50124

RE: Request for Variance for Vacant Lot - Lot 21, Ashwood Estates Subdivision

Dear Zoning Board of Adjustment:

On the behalf of Jonathan & Amanda Philgreen we are requesting a variance under Huxley code section **165.43.4.K Practical Difficulties**. The Philgreens own the lot and wish to build their family's home on the property. We request to change the front setback from 30' to 15' to allow the house to be placed farther up the hill than would be allowed under the required 30' setback. This would still place the house in front of the storm sewer easement. A 15' setback would allow the house to be put roughly in the center of the lot on Oak Blvd.

If the required setback of 30' was used, then the house would be shifted to the east side of the lot and *pushed a considerable distance down the slope*. The amount of buffer between the house and the storm sewer would be the same for both the 15' and 30' setback, but the 30' setback would increase the amount of fill necessary to place the house and an increase the height of foundation wall. The 30' setback would also impose on the adjacent neighbor to the east and result in the removal of many mature trees serving as a buffer between the house and the neighbor. The topography of the lot and the location of the storm sewer would be better suited to moving the house towards the street and up the hill. The right of way is wider than normal on Oak such that even with the house setback reduced the house is still 41' feet from the edge of the street.

We have attached a figure showing the requested house location with the difference in setback. The Philgreens have not finalized the layout & dimensions of the house pending the resolution of this variance request. The dimensions of the house are approximate.

Below in blue italic is the text from the code from 165.43.4.K. Our response is in black text.

K. Practical Difficulties. The Board shall have the power to authorize exceptions to any setback, area, length, width, yard size, or projection limitations or to the minimum required number of off-street parking or loading spaces; provided, such an exception may be granted only where:

(1) Such exception does not exceed 50 percent of the particular limitation or number in question; or such exception is from a yard requirement to permit an addition to an existing legal nonconforming building, and such addition extends no further into the required yard than the existing building; We are requesting a change from 30 feet to 15 feet. The fifteen (15) feet is 50% of the required 30 foot setback.

(2) The exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, a permitted sign, or to off-street parking or loading areas accessory to such a permitted use; The house is a principal use as per the requirements of the code.

(3) The exception is reasonably necessary due to practical difficulties related to the land in question that prohibit the use of the subject property in a manner reasonably similar to that of other property in the same district, including, but not limited to, exceptional narrowness, shallowness or shape of the subject property, exceptional topographical conditions, location of public utilities or public improvements on or adjacent to the subject property, or other extraordinary or exceptional situation; We will discuss each practical difficulty individually.

RENAUD Engineering, LLC

- *Exceptional narrowness, shallowness or shape of the property* - The lot is approximately 221 feet wide by 135 feet of depth. However, a City 42" diameter storm sewer crosses the lot diagonally reducing the buildable area considerably to a much smaller *triangular* lot area. There is a triangular building area to the north of the storm sewer, but this is impacted by a City *sanitary sewer* easement and places the house a considerable distance from the street. *Building to the rear is not possible*. The only buildable portion of the lot is between the storm sewer easement and the street. The front triangular area is narrowest on the west side and widens as it goes east. However, as the house is shifted east, the fall across the lot increases substantially as will be discussed next.
- *Exceptional topographic conditions* - There is 22+ feet of elevation difference between the street and the rear of the lot. Houses are generally set above the street elevation by 1-3 feet. The house elevation from the first floor to the rear walkout basement will be 11-12 feet. Houses have a depth of 50' (on average) which means there will be about 10 to 11 feet of fall across the lot within the footprint of the house. With the house 2 feet higher than street this means the rear of the house will be 8 to 9 feet lower than the street and be a foot or two *above* the grade of the lot. The house foundation requires 42" of bury so the foundation (without any additional grading) will only be in the ground 1 to 3 feet. If the required 30' setback is used, then the house foundation will be back an additional 15 feet and the house foundation be **3 feet higher** and will be on top of the ground or require the house foundation to be placed on fill. Placement of the house on foundation is undesirable and will require a deeper and more expensive foundation and/or considerable fill over the storm sewer & easement.
- *Location of public utilities* - There is a City sanitary sewer in easement on the west side of the lot in addition to the 42" City storm sewer in easement running through the center of the lot as previously discussed. Both sewers are deep enough to not be impacted by grading. Both sewers are shallow enough to not be impacted by some additional fill.

(4) *Such practical difficulties cannot be overcome by any feasible alternative means other than an exception; The exception is the only way to accomplish the practical difficulties as discussed in item no. 3 above.*

(5) *The exception is in harmony with the essential character of the neighborhood of the land in question. The house is in the center of the lot in keeping with the arrangement of houses in the neighborhood. Reducing the setback moves the house to the center of the lot in keeping with the placement of houses on the neighboring lots. Moving the house forward (by reducing the setback) actually increases the separation between the houses to the side and to the rear.*

Thank you for your time and consideration of this issue. We look forward to discussing the issue at your earliest convenience. Given the present circumstances, if the City desired, the meeting with ZBA could be held onsite so the variance could be demonstrated in the field. It may be preferable to meet outside rather than meeting in the confines of the City's council chambers.

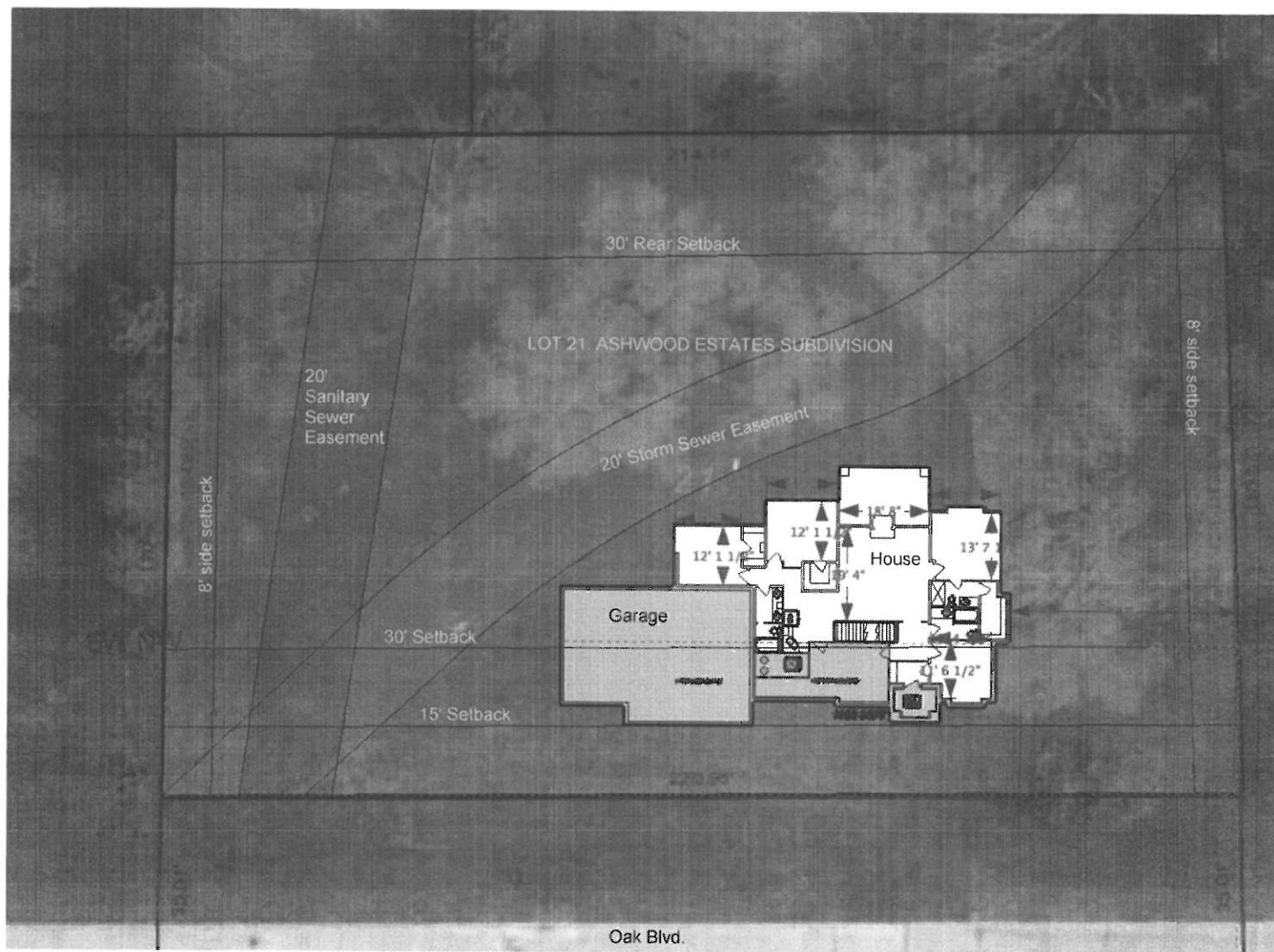
Sincerely,

Scott Renaud

Scott Renaud, P.E.

cc: Jonathon & Amanda Philgreen

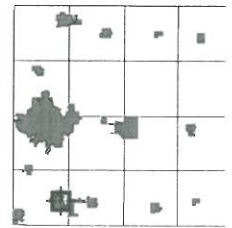
attach: House Layout on the Lot
Contour Map of the Lot



HOUSE LAYOUT ON THE LOT



Overview



Legend

-  Parcels
-  Lots
-  Townships
-  Corporate Limits
-  Road Centerlines
-  Contours 2ft

Parcel ID	1324155121	Alternate ID	1324155121	Owner Address	JDP PROPERTIES LLC
Sec/Twp/Rng	24-82-24	Class	R - Residential		652 MEADOW CIR
Property Address		Acreage	n/a		HUXLEY IA 50124-9516
District	06013 - HUXLEY CITY/ BALLARD SCH				
Brief Tax Description	ASHWOOD ESTATES LOT:21 HUXLEY (Note: Not to be used on legal documents)				

CONTOUR MAP OF THE LOT
2 FOOT CONTOUR INTERVAL

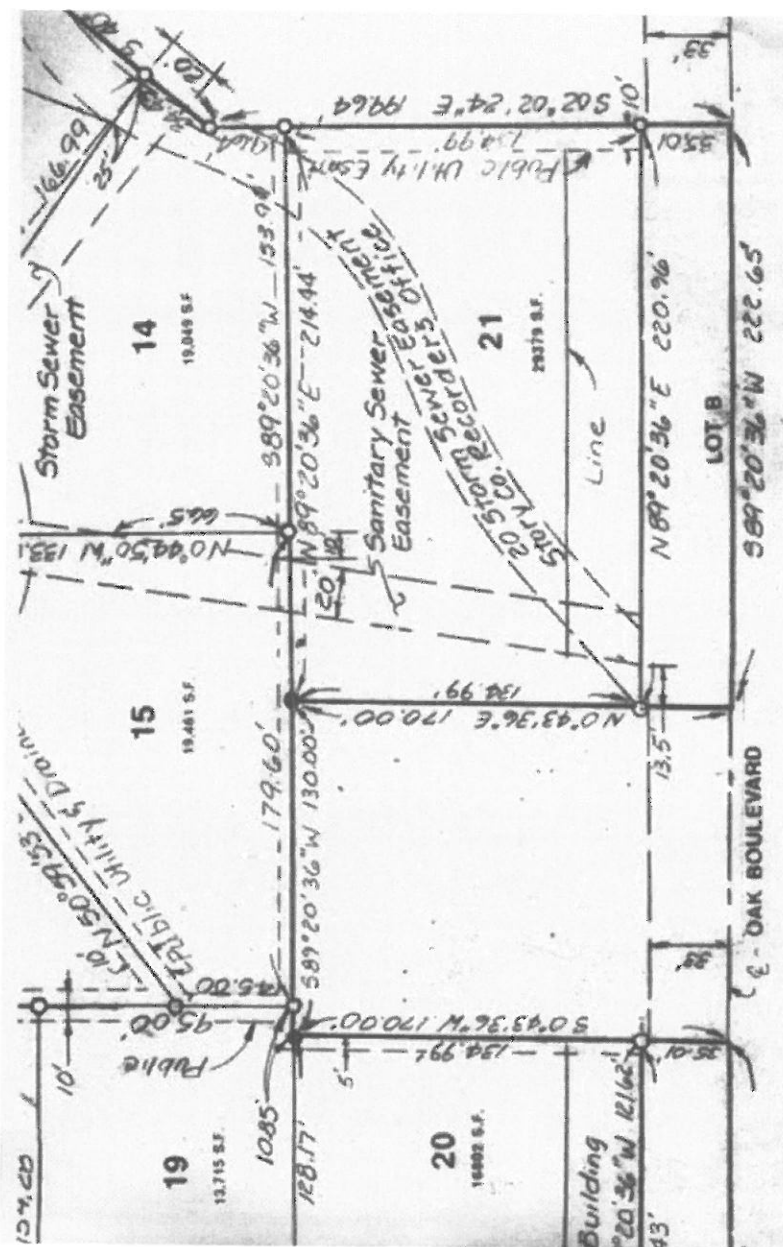
Concerning Assessment Parcels and Platted Lots Within the City of Ames Jurisdiction:

The solid parcel boundary lines represent the legal description as recorded and are not necessarily the official platted lot lines. Dashed lines are official platted lots. If a parcel contains dashed lines, please contact the Ames Planning & Housing Department (515-239-5400) to determine which lines can be recognized for building permit or zoning purposes. If you have questions regarding the legal description or parcel measurements, please contact the Story County Auditor's office (515-382-7210).

Date created: 4/1/2019

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ZONING BOARD OF ADJUSTMENT COMMUNICATION

AGENDA HEADING:

Request from Scott Wilson for a 2' variance from a 6' fence height limitation to an 8' fence height limitation at 107 Lynwood Drive (R-1 Zoning District)

SUBMITTED BY:

Rita Conner M.S., M.C.R.P., City Administrator

SYNOPSIS:

Scott Wilson (107 Lynwood Drive Huxley) has submitted application for a 2' variance from Chapter 165 Zoning Regulations in order to install an 8' high privacy fence at his residential address.

Additional information is below and attached.

CITY OF HUXLEY CODE SECTION: 165.37.1

ADDITIONAL INFORMATION:

- Mr. Wilson would like to install an 8' privacy fence along the rear side of his yard at 107 Lynwood Drive. The R-1 limitation is 6'.
- The property line where the fence will go is at the bottom of a berm, which reduces the normal coverage offered by a 6' high fence.
- City of Huxley Ordinance Section 165.37.1 allows for an 8' fence in an R-1 district if the adjacent property is zoned C-1 or C-2, which can be interpreted to provide an additional buffer between residential and commercial uses.
- City Hall, Police Department, Safe Room, Library and Recreation Center are the properties adjacent to 107 Lynwood Drive. They are also zoned R-1 and are allowable uses. Mr. Wilson believes that the impact to his residence is along the lines of a commercial use.

RECOMMENDATION: APPROVAL

- The location of the property line on a berm is a reasonable variable for consideration of a variance to the height requirement.

For more information on this and other agenda items, please call 515-597-2561 or visit the City Administration Building at 515 N. Main Ave.



HUXLEY

— HEART OF THE PRAIRIE —

Appeal to the Board of Adjustments

Date Submitted: 4-25-20 Board Review Date: _____
Property Owner: SCOTT WILSON
Property Address: 107 LYNWOOD DR
Property Zoning: R-1
Legal Description: _____

Please provide a detailed explanation of work to be done and variance needed:

BUILDING A PRIVACY FENCE ALONG BACK OF PROPERTY ADJACENT
TO CITY PROPERTY AT 515 N MAIN AV. CITY USAGE IS CONSISTENT WITH
C-2 COMMERCIAL ACCORDING TO CITY CODE BUT HAS NEVER BEEN REZONED FROM R-1.
SINCE MY PROPERTY LINE IS AT THE BOTTOM OF A BERM IN THE
BUHER AREA BETWEEN MY LOT AND THE CITY PARKING LOT, I WOULD
LIKE TO BUILD AN 8' FENCE. 8' FENCE IS ALLOWED UNDER CITY CODE
WHEN ADJACENT TO COMMERCIAL PROPERTY.

The fee for variance is nonrefundable. All neighboring property owners will be notified of this variance request plus a notice will be published in a local newspaper. Please include a fully dimensional, to scale, site plan.

Signed: [Signature] Date: 4/25/20

Appeal to Zoning Board of Adjustments

Primary: \$100

Secondary: \$50

Special Use Permits - \$100

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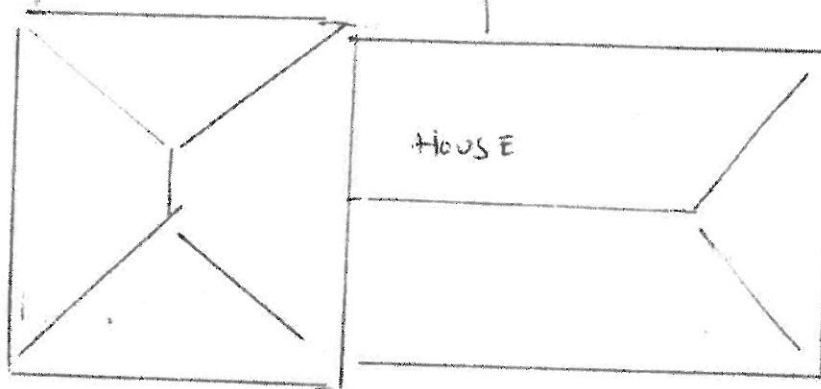
Date Hearing Advertised: _____

Decision of the Board:

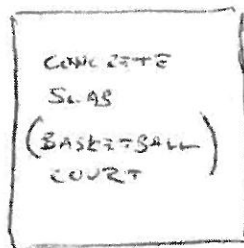
LYNWOOD DR



121'



HOUSE



CONCRETE
SLAB
(BASKETBALL)
COURT

8' FENCE
40' LONG

SHED
(NOT
PERMANENT)



83'

CITY of HOXLEY